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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

RIGHTHAVEN LLC, a Nevada limited-  
liability company,

Plaintiff,

v.

RAD GEEK ENTERPRISES, an entity of  
unknown origin and nature; and CHARLES  
W. JOHNSON, an individual,

Defendants.

Case No.: 2:10-cv-01534

**COMPLAINT AND DEMAND  
FOR JURY TRIAL**

Righthaven LLC (“Righthaven”) complains as follows against Rad Geek Enterprises (“Rad Geek”) and Charles W. Johnson (“Mr. Johnson”; collectively with Rad Geek known herein as the “Defendants”), on information and belief:

**NATURE OF ACTION**

1. This is an action for copyright infringement pursuant to 17 U.S.C. § 501.

**PARTIES**

2. Righthaven is, and has been at all times relevant to this lawsuit, a Nevada limited-liability company with its principal place of business in Nevada.



13. On or about July 19, 2010, the Defendants displayed, and continue to display, an unauthorized reproduction of the Work (the “Infringement”), attached hereto as Exhibit 2, on the Website.

14. At all times relevant to this lawsuit, the Defendants knew that the Work was originally published in the *Las Vegas Review-Journal*.

15. At all times relevant to this lawsuit, the Defendants knew that the Infringement was and is of specific interest to Nevada residents.

16. The Defendants’ display of the Infringement was and is purposefully directed at Nevada residents.

### **VENUE**

17. The United States District Court for the District of Nevada is an appropriate venue, pursuant to 28 U.S.C. § 1391(b)(1), because Mr. Johnson is a resident of Nevada.

18. The United States District Court for the District of Nevada is an appropriate venue, pursuant to 28 U.S.C. § 1391(b)(2), because a substantial part of the events giving rise to the claim for relief are situated in Nevada.

19. The United States District Court for the District of Nevada is an appropriate venue, pursuant to 28 U.S.C. § 1400(a), because the Defendants are subject to personal jurisdiction in Nevada.

### **FACTS**

20. The Work constitutes copyrightable subject matter, pursuant to 17 U.S.C. § 102(a)(1).

21. Righthaven is the owner of the copyright in and to the Work.

22. The Work was originally published on July 17, 2010.

23. On September 2, 2010, the United State Copyright Office (the “USCO”) received Righthaven’s official submittal for the registration of the Work including the application, the

1 deposit copy, and the registration fee (the “Complete Application”), Service Request No. 1-  
2 481234648, attached hereto as Exhibit 3.

3 24. On or about July 19, 2010, the Defendants displayed, and continue to display, the  
4 Infringement on the Website.

5 25. The Infringement replaced the Work’s original title: “Affidavit alleges detective  
6 bought marijuana from man officer killed” with a new title: “More lies from Officer Bryan Yant,  
7 Las Vegas’s finest.”

8 26. The Defendants did not seek permission, in any manner, to reproduce, display, or  
9 otherwise exploit the Work.

10 27. The Defendants were not granted permission, in any manner, to reproduce,  
11 display, or otherwise exploit the Work.

12  
13 **CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

14 28. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through  
15 27 above.

16 29. Righthaven holds the exclusive right to reproduce the Work, pursuant to 17  
17 U.S.C. § 106(1).

18 30. Righthaven holds the exclusive right to prepare derivative works based upon the  
19 Work, pursuant to 17 U.S.C. § 106(2).

20 31. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to  
21 17 U.S.C. § 106(3).

22 32. Righthaven holds the exclusive right to publicly display the Work, pursuant to 17  
23 U.S.C. § 106(5).

24 33. The Defendants reproduced the Work in derogation of Righthaven’s exclusive  
25 rights under 17 U.S.C. § 106(1).

26 34. The Defendants created an unauthorized derivative of the Work in derogation of  
27 Righthaven’s exclusive rights under 17 U.S.C. § 106(2).

1           35.     The Defendants distributed, and continue to distribute, an unauthorized  
2 reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under  
3 17 U.S.C. § 106(3).

4           36.     The Defendants publicly displayed, and continue to publicly display, an  
5 unauthorized reproduction of the Work on the Website, in derogation of Righthaven's exclusive  
6 rights under 17 U.S.C. § 106(5).

7           37.     Rad Geek has willfully engaged in the copyright infringement of the Work.

8           38.     Mr. Johnson has willfully engaged in the copyright infringement of the Work.

9           39.     The Defendants' acts as alleged herein, and the ongoing direct results of those  
10 acts, have caused and will continue to cause irreparable harm to Righthaven in an amount  
11 Righthaven cannot ascertain, leaving Righthaven with no adequate remedy at law.

12           40.     Unless the Defendants are preliminarily and permanently enjoined from further  
13 infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus  
14 entitled to preliminary and permanent injunctive relief against further infringement by the  
15 Defendants of the Work, pursuant to 17 U.S.C. § 502.

16  
17                                   **PRAYER FOR RELIEF**

18           Righthaven requests that this Court grant Righthaven's claim for relief herein as follows:

19           1.     Preliminarily and permanently enjoin and restrain the Defendants, and the  
20 Defendants' officers, agents, servants, employees, attorneys, parents, subsidiaries, related  
21 companies, partners, and all persons acting for, by, with, through, or under the Defendants, from  
22 directly or indirectly infringing the Work by reproducing the Work, preparing derivative works  
23 based on the Work, distributing the Work to the public, and/or displaying the Work, or ordering,  
24 directing, participating in, or assisting in any such activity;

25           2.     Direct the Defendants to preserve, retain, and deliver to Righthaven in hard copies  
26 or electronic copies:  
27  
28

1 a. All evidence and documentation relating in any way to the Defendants'  
2 use of the Work, in any form, including, without limitation, all such evidence and  
3 documentation relating to the Website;

4 b. All evidence and documentation relating to the names and addresses  
5 (whether electronic mail addresses or otherwise) of any person with whom the  
6 Defendants have communicated regarding the Defendants' use of the Work; and

7 c. All financial evidence and documentation relating to the Defendants' use  
8 of the Work;

9 3. Direct 1&1 Internet and any successor domain name registrar for the Domain to  
10 lock the Domain and transfer control of the Domain to Righthaven;

11 4. Award Righthaven statutory damages for the willful infringement of the Work,  
12 pursuant to 17 U.S.C. § 504(c);

13 5. Award Righthaven costs, disbursements, and attorneys' fees incurred by  
14 Righthaven in bringing this action, pursuant to 17 U.S.C. § 505;

15 6. Award Righthaven pre- and post-judgment interest in accordance with applicable  
16 law; and

17 7. Grant Righthaven such other relief as this Court deems appropriate.

18  
19 **DEMAND FOR JURY TRIAL**

20 Righthaven requests a trial by jury pursuant to Fed. R. Civ. P. 38.

21 Dated this ninth day of September, 2010.

22  
23 RIGHTHAVEN LLC

24  
25 By: /s/ J. Charles Coons  
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